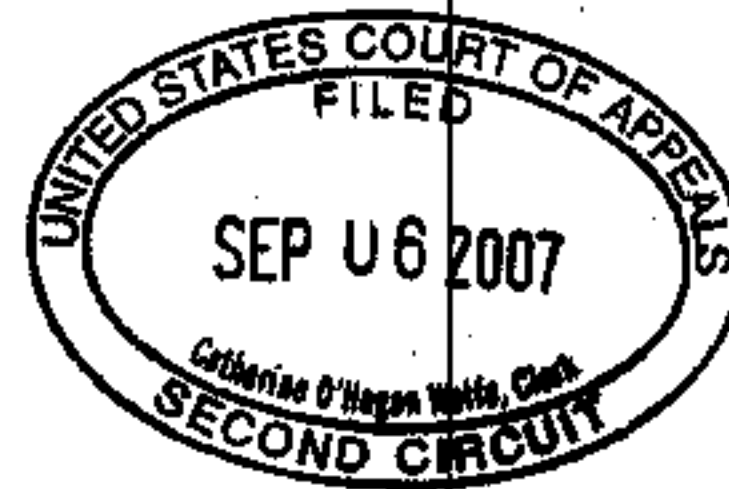


MANDATES.D.N.Y.-N.Y.C.
07-cv-3047
Wood, C.J.**United States Court of Appeals**
FOR THE
SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 6th day of September two thousand seven,

Present:

Hon. John M. Walker, Jr.,
Hon. Guido Calabresi,
Hon. Robert D. Sack,
Circuit Judges.



Victor Davis,

Plaintiff-Appellant,

v.

07-2704-pr

New York State Division of Parole, *et al.*,

Defendants-Appellees.

Appellant, *pro se*, moves for leave to proceed *in forma pauperis*. Upon due consideration, it is ORDERED that the motion is GRANTED, the district court's judgment is VACATED, and the case is REMANDED to the district court. On remand, the district court will permit Appellant to amend his complaint to the extent he seeks a new review or hearing with regard to his parole status, rather than seeking the invalidity of his confinement. See *Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005)

A TRUE COPY

Catherine O'Hagan Wolfe, Clerk

by

Deputy Clerk

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By:

Guille Carr

SEP 6 2007

SAO-JIF

Issued as Mandate:

OCT 9 2007